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List of issues in relation to the initial report of Pakistan

Addendum

Replies of Pakistan to the list of issues*

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* The present document is being issued without formal editing.

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Paragraph 1

1. Upon ratification of International Covenant on Civil and Political Rights (hereafter referred as the Covenant) in 2010 by the Government, it became applicable to the whole territory of Pakistan, including Federally Administered Tribal Areas (FATA). As stated in the report, Most of the rights embodied in the Covenant as well as in other international human rights instruments ratified by Pakistan have always been part of the substantive law of the country, and have, thus, been enforced by the executive and the judiciary accordingly. While the courts in Pakistan lay down judgment in the light of the Constitution which enshrines human rights and fundamental freedoms set forth in the Covenant, the courts have been referring to Pakistan's international human rights obligations in their judgments, including Universal Declaration of Human Rights (UDHR) and the Covenant. For example, the Covenant was cited in the case: i. PLD 2016 Lahore 857 titled "Mst. Rukhsana Bibi Vs Government of Pakistan" and ii. PLD 2007 Supreme Court 642 titled "Pakistan Muslim League (N) through Khawaja Muhammad Asif and others Vs Federation of Pakistan through Secretary Ministry of Interior.

2. The Constitution of Pakistan is line with provisions of the Covenant, including articles 3, 6, 7, 18 and 19. The Constitution of Pakistan as well as various domestic laws, including Pakistan Penal Code (PPC) and Criminal Procedure Code (CRPC) provide for interpretation and application of the Covenant. Also, under the National Action Plan for Human Rights approved by the Prime Minister in February 2016, the Government has committed to review existing legislation with the view to ensure that they are in line with our international human rights obligations and also are not discriminatory in any manner.

3. At the time of ratification, the Government of Pakistan entered reservations on article 3 and 25 of the Covenant which were reviewed in 2011. As a result of the review process of the reservations, the scope of reservations entered by Pakistan was narrowed to cater to the Constitutional requirements and Sharia Law, i.e., law of inheritance. Apart from the Constitutional requirements, the Government continues to implement articles 3 and 25 of the Covenant and has taken various policy measures to promote, inter alia, equality of men and women though gender equality initiatives and ensure political participation of all citizens of the country without discrimination (details of which have been provided in the report). Thus, the reservations are in the context and extent of upholding the supremacy of the Constitution. The explanation regarding the reservations on the provisions of Articles 3 and 25 as stated by Pakistan clearly mention that these "shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan."

Paragraph 2

4. The Federal Government has established the National Commission for Human Rights (NCHR) under the National Commission for Human Rights Act, 2012 (Act No. XVI of 2012). Ministry of Human Rights has taken various steps to facilitate the effective functioning of NCHR including establishment of NCHR Fund, office building, provision of temporary staff, creation of regular posts for NCHR, devising terms and conditions of Chairperson and Members of NCHR. Fund has been created on 1stOctober 2015 by Controller General of Accounts (CGA). Finance Division has approved supplementary grant of Rs. 100 million for establishment of NCHR fund. The Government has created 171 posts for the Commission. Further processes to strengthen the NCHR are under way. The Ministry of Human Rights fully supported the NCHR through providing initial office accommodation, human resource and allocation of funding Rs.100 million.

5. The NCHR Act 2012 provides a wide mandate to NCHR to undertake a number of initiatives and activities. There are no restrictions on its work. It can take Suo Moto action on any matter related to human rights in the country. The Commission receives full cooperation of concerned Federal and Provincial authorities, including Law Enforcement Agencies.

6. NCHR remains involved in issues relating to human rights and participates in all government processes to give their views. It is invited to the meetings of the relevant Parliamentary Committees, where its members have full freedom to convey their views. The Commission Chair was also involved in consultations held in the Parliamentary Committee which discussed this List of Issues to the Report of Pakistan to ICCPR. In addition, according to Article 9(j) of NCHR Act 2012, NCHR can "submit independent reports to the Government on the state of human rights in Pakistan for incorporation in reports to the United Nations bodies or committees".

7. Under NAP for Human Rights, National Institute for Human Rights was approved which is for training, research and capacity building of government officials working on human rights. It is different from NCHR and aims to provide services related to training and capacity building. The ToRs of setting up this institute are being finalized.

Paragraph 3

8. In Pakistan, Article 25 of the Constitution is the core provision on equality of citizens and states "All citizens are equal before law and are entitled to equal protection of law". It prohibits discrimination on the grounds of race, colour, religion, language or sex be it men, women and children. The non-discrimination provisions provided in articles 2(1), 3, and 26 of the Covenant have been guaranteed by Article 25-27 of the Constitution. While drafting or approving any new legislation, particular attention is given to include non-discrimination clauses so as to address all forms of discrimination recognized by the Constitution and also as Pakistan's international human rights obligations.

9. Pakistan recognizes the rights of intersex. As mentioned in the report, the Supreme Court has passed judgments regarding the rights of intersex people.

Paragraph 4

10. In order to curb harmful customary practices and eliminate violence and discrimination against women, a number of laws have been passed in the last few years. The government is taking policy as well as administrative measures to implement pro-women legislation. Legislation for pro-women laws and amendments include, among others, Anti-Rape (Criminal Laws Amendment) Bill and Anti-Honour Killings (Criminal Laws Amendment) Bill 2016; the Protection of Women from Harassment at Workplace Act 2010 (This Act was then passed in AJK in 2011, Punjab in 2012 and Gilgit Baltistan in 2013); Criminal Law Amendment Act 2011 (Prevention of Acid Crime); Prevention of Anti-Women Practise Act 2011; Protection of Women (Criminal Laws Amendment) Act 2006; the Criminal Law (Amendment) Act 2004; and Women in Distress and Detention Fund (Amendment) Act 2011.

11. In addition, National Commission on the Status of Women Act 2012 was enacted which strengthened NCSW and gave quasi-judicial powers to it. Out of NCHR's 8 members 5 are women. Consequent to devolution of social sectors to the provinces with the passage of 18th Constitutional Amendment 2010, provinces have enacted their own laws for women protection and promotion of their rights.

12. In addition to Women Crisis Centers that have been established across the country, Family Protection and Rehabilitation Centre for Women has been established in 2004 in Islamabad to provide support and family protection and rehabilitation for the survivors of domestic violence. Services available in FPRCW, include, Social and legal counselling to maintain relationships and to help adjust in society; Psychological counselling to overcome depression, anxiety and stress of trauma; Medical aid; Legal aid; Awareness raising and training activities are conducted with the survivors. Outreach visits for networking, telephonic counselling, Individual, family and group counselling sessions for reconciliation, reintegration/Social rehabilitation, are provided. Shelter home provides temporary accommodation to women and their children, free accommodation, food and other basic necessities, basic education to the children, to impart professional vocational training.

13. Punjab Violence against Women Law, 2016 was passed to deal with violence against women in a comprehensive manner. Accordingly, violence against Women Centres being established in Multan, Punjab. Two more centers in Faisalabad and Gujranwala are to be established during 2016-17.

14. The Council of Islamic Ideology provides its advisory opinion about draft bills and laws from the religious perspective. However, bills are passed by the Parliament and implemented by the Executive. The opinion of CII about the proposed bill was a statement. There is no such Bill under consideration. Besides, there is no evidence or co-relationship that any violence was incited as a result of this statement. It did generate a debate which demonstrates the democratic credentials of Pakistani society. There is no empirical evidence about increase in violence against women in reaction to this Statement. As is the case with every society, there are incidents of violence against women which are being reported and perpetrators are punished in accordance with due process of law.

Paragraph 5

15. The issue of honour killing is being addressed by the government of Pakistan. There is political attention and resolve to address the issue at the highest level. A screening of Sharmin Obaid Chinoy's documentary, A Girl in the River: the Price of Forgiveness, on so-called honour killing was held at the Prime Minister's House. It that occasion there Prime Minister said that honour killings are totally against Islam and anyone who does this must be punished and punished very severely and that "there is no honour in honour killings".

16. Provinces have taken various steps and measures to control such harmful practices. Khyber Pakhtunkhwa Provincial Assembly has passed the Khyber Pakhtunkhwa Elimination of Custom of Ghag Act, 2013 in order to eradicate the Social Evil called Ghag. The Sindh Government receives complaints regarding honour killings in its Women Complaint Centres. Similarly, Punjab and Balochistan have introduced policy and administrative measures to curb this despicable practice.

17. In October 2016, Anti-Rape (Criminal Laws Amendment) Bill and Anti-Honour Killings (Criminal Laws Amendment) Bill have been passed to tackle the issue of honour killings and to increase rape convictions by reforming existing laws. Under the new laws, relatives of victims would only be able to pardon the killer convicted of capital punishment, but the killer would still face a mandatory life sentence of 25 years.

18. Jirgas (Tribal Councils) serve as Alternate Dispute Resolution mechanism to provide speedy remedy in petty civil matters. However, they cannot exercise jurisdiction in criminal matters. Government is taking steps to regulate and supervise them under law. Their decisions are not at par with courts. Their decisions are implemented by mutual and voluntary consent of the parties. The sole authority of pronouncing binding judgments lies with the Courts and their execution is responsibility of the Government. There are strict punishments even for Jirga members who could involve in decisions contrary to law.

Paragraph 6

19. In Pakistan, abortion is permitted only in cases to save the life of the woman and to preserve her physical health. Abortion is not permitted in case of rape or incest, foetal impairment, economic or social reasons and it cannot be available upon request. Unlawful abortion is dealt under the legal framework of the Pakistan Penal Code under PPC 338. Necessary Treatment under this provision means any medical or surgical intervention necessary, in good faith, for the purpose of saving the life of the woman. It is interpreted as exception to the rule. If continuation of the pregnancy would result in the death of the mother, leaving only two options, to let either the mother or foetus survive, but not both. Abortion can be performed, the reason for this is that mother is origin of foetus. Moreover, her life is well established with duties and responsibilities, and she is also a pillar of family. It would not be possible to sacrifice her life for the life of a foetus which has not yet acquired personality and which has no obligations or responsibilities to full fill.

20. In Pakistan induced abortion is illegal except in special circumstances to save life of woman or to provide necessary treatment, hence it is extremely difficult to gather accurate information/data about the level of induced abortion. Knowledge of family planning is universal among both women and men. The Lady Health-Workers' Program has helped to create awareness regarding contraceptive methods, family planning and sexual and reproductive health across the country. In addition, efforts are being made to reduce rate of maternal mortality by providing health coverage through health insurance scheme by the Government. In the initial phase 100 million citizens would be covered and later the scope of the scheme would be extended to all citizens of the country.

Paragraph 7

21. Government of Pakistan had imposed a moratorium on Death Penalty for a number of years. However, the moratorium on Death Penalty was lifted after a national consensus developed in the wake of dreadful and atrocious attack on Army Public School, Peshawar in which more than 150 students and teachers lost their lives at the hands of terrorists.

22. The death penalty is being imposed after due process and in cases of the most serious crimes only. Death Penalty cannot be imposed on an individual below the age of 18 in accordance with the Juvenile Justice System Ordinance (JJSO), 2000. To grant clemency is a discretionary power exercised by the head of the state. All clemency petitions are thoroughly examined and decision is taken accordingly.

23. Pakistan pursues its policy on death penalty in line with its Constitution and national laws and in consonance with international norms. Our laws regarding death penalty are not in violation of ICCPR. The award of death penalty in narcotics offences is not in contravention of Article 6(2) of ICCPR. Article 6(2) provides imposition of death penalty in the "most serious crimes" in accordance with laws enforced. The interpretation of the most serious crimes may vary from country to country and local situations and religious particularities. In addition, due process of law and fair trial standards are followed.

Paragraph 8

24. In accordance with JJSO, criminal justice system of Pakistan provides for the protection of right of a child accused of an offence if he is below the age of 18 years. In this regard, information such as 'age' can be presented or corrected at different stages i.e., i) initial statement at the time of arrest; ii) arrest certificate (huliya form); iii) first version of statements recorded under Section 161 of CrPC; iv) initial entry in police diary (zimni); v) recording of statements under Section 164 of CrPC; vi) recording of evidence; vii) statements of accused person under Sections 340 and 342 of CrPC.; viii) appeal to High Court; ix) reference/appeal/revision petitions at Supreme Court of Pakistan.

25. In addition, another remedy available to convicts under the Constitution is given under Article 45 of the Constitution whereby the President is empowered 'to grant pardon, reprieve and respite, and to remit, suspend or commute any sentence passed by any court, tribunal or other authority'. Hence, the President of Pakistan, if he deems it proper, may also grant remission, reprieve or suspend sentence of a convicted person. Five convicted persons availed all judicial forums including the appellate forums of High Court and Supreme Court but they could not prove their innocence and claim of juvenility. The trial judges scrutinized the prosecution evidence as well as defence pleas taken by the accused persons in their statements. While deciding the cases, all facts and circumstances of cases were considered by the courts. The cases of the convicts were decided on merit and not on technical grounds. The Ministry of Interior also conducted inquiries for these cases but the alleged claim of juvenility could not be proven.

26. As a party to Convention on the Rights of Persons with Disabilities (CRPD), Pakistan is mindful its obligations under the Convention. It may be noted that no mentally ill prisoner has been executed so far. Cases of persons with disabilities, including mentally ill convicts are under review.

Paragraph 9

27. In order to take effective measures to deal with the issue of enforced disappearances, in April 2010, the Federal Government set up a Commission of Inquiry on Enforced Disappearances (COIED) under the Pakistan Commission of Inquiry Act 1956. The ColoED has actively investigated cases of enforced disappearances. As a result of this initiative, a number of cases have been disposed off. The Commission has been vested with broad powers, including the power to register an FIR against whom evidence of involvement in the disappearance of a person is found. The Commission also has powers to order production of a person in respect of whom, it is suspected by the Commission to be held in illegal detention of some Law Enforcement/ Intelligence Agency.

28. The Commission receives cases from Human Rights Cell of the Supreme Court of Pakistan, civil society organizations, National Crisis Management Cell of the Ministry of Interior and directly from the families of the disappeared persons. On the direction of the Supreme Court of Pakistan or on its own, the Commission can file a First Incident Report in the concerned Police Station in cases of missing persons. The Home Secretary of the respective Province is directed to constitute Joint Investigation Teams (JIT) having representatives from the Law Enforcement agencies as well as Intelligence agencies. The hearings in each case are held by the Commission at Islamabad, Lahore, Karachi and Quetta with the view to facilitate the families of alleged disappeared persons.

29. The Commission is headed by a retired judge of Supreme Court and has two members, i.e., former judge of Sindh High Court and retired Inspector General of Police. Necessary financial resources under a separate head from Ministry of Finance and staff has also been provided to the Commission. A Sub Office has been established which is working at Karachi since October, 2014. It has been provided adequate resources by the relevant Government Ministries. The Commission, with the sources provided to it, also arranges for parallel hearings of cases at Islamabad, Lahore and Karachi.

30. In Pakistan all citizens are free to express their opinion and views. No case of reprisal, harassment or intimidation (concerning families of allegedly disappeared persons or human rights defenders or lawyers) has been reported to the Police, any Court, to the ColoED, or any state authority by any individual or civil society organization. The Government remains committed to take action on any case brought before a competent authority of the state. The relatives/family members of allegedly disappeared persons are regularly called to attend the hearings held of their cases in the Commission. They are also heard in person by the President of the Commission in confidence in his Chamber. In addition, the relatives of the disappeared persons as well as civil society organizations engage during the hearings.

31. Families of missing persons can file formal complaints not only in the Police Station but also with the ColoED. Even before receiving reports of complaints by the family of a missing person, Human Rights Cell of the Supreme Court of Pakistan or from any Human Rights Organization, the ColoED has at several occasions constituted Joint Investigation Teams without any formal complaint. This mechanism has been put in place to ensure accountability. By way of Compensation, on the recommendations of ColoED Monthly Subsistence Allowance is being paid by Pakistan Bait-ul-Mal in deserving cases. Families of allegedly disappeared persons are also provided financial assistance through various social safety-nets.

32. The existing constitutional and legal framework provides for sufficient safeguards for the protection of victims and witnesses in general. To further strengthen protection of the witnesses, especially women, Standard Operating Procedures have been put in place by the ColoED. After recording the statement of witness, a direction in writing is issued that he/she should not be arrested. The Commission has not received any complaint of harassment of any witness after these directives.

33. The government pursues action against perpetrators who have been involved in enforced disappearances. The Commission has been receiving possible cooperation from all the stakeholders including the Federal/Provincial Government Departments, Intelligence and Law Enforcement Agencies. Consequently the Commission has been able to dispose of

2416 cases from March, 2011 to 30 Nov 2016, out of which 1798 persons have been traced as either returned home or confined in jails/ Internment/Rehabilitation Centres on criminal/terrorism charges and the remaining 618 cases were closed either due to non-prosecution or after thorough investigation were found not being cases of enforced disappearances. However, it has also been noticed that at times there is lack of sufficient incriminating material or concrete evidence to fix responsibility. It has been observed that sometimes inflated figures of enforced disappearances are quoted. Appropriate mechanisms are in place to hold accountable anyone involved in violations of human rights including enforced disappearances.

Paragraph 10

34. Pakistan's counterterrorism efforts are in compliance with its national and international human rights obligations. Pakistan had been confronted with the challenge of terrorism. Terrorists have killed thousands of innocent civilians thus depriving them of their fundamental right to life. The Government is committed to combating terrorism in accordance with the National Action Plan to combat terrorism. Due to the efforts of the Government terrorists incidents have declined in the last two years. Implementation of NAP would further help to safeguard rights of all citizens.

35. Promulgation of Protection of Pakistan Act 2014 (PPA) was a temporary measure (for two years) with a sunset clause and has already lapsed in July 2016. It did not give extra-ordinary powers to the law enforcement agencies rather it aimed at providing speedy justice to families of victims of terrorism. It also provided protection to judges and witnesses. The fact that only 30 individuals have been tried under PPA demonstrates that it had been only used in extraordinary circumstances against terrorists who have committed serious crimes and carried out terrorist activities.

36. Pakistan does not allow any foreign state to use its territory for counter terrorism activities. The drone strikes carried out by United States on the territory of Pakistan were strongly condemned by the Government for they were conducted in violation of international law, including international humanitarian and human rights law and were a violation of Pakistan's territorial integrity and sovereignty in accordance with the UN Charter.

Paragraph 11

37. In accordance with the 21st Constitutional Amendment, military courts have been authorized to conduct trials of persons involved in offences relating to terrorism, waging of war against Pakistan and prevention of acts threatening the security of Pakistan by any terrorist or terrorist group, armed group, wing and militia or their member using the name of religion or a sect. Therefore, any person whose case falls within the Pakistan Army Act, 1952 (XXXIX of 1952), the Pakistan Air Force Act, 1953 (VI of 1953) and the Pakistan Navy Ordinance, 1961 (XXXV of 1961), his trial has to be conducted by the military courts.

38. The judges of military courts have been well qualified to be a judge of any court. However, due to ensure their security, their names, qualification and rank has been kept confidential. Pakistan is committed to fulfill fair trial standards in accordance with its Constitution and human rights obligations. While the proceedings of military courts have not been made public, it has been ensured that all convicted persons have a right to appeal. They can appeal in the Supreme Court which can review the judgments of military courts.

39. As a state party to Convention against Torture, Pakistan is committed to prevent torture or ill treatment committed by state functionaries. Whenever, complaints have been received of allegations of torture, the have been duly investigated by the competent authorities and disciplinary action taken against those responsible. Besides, military courts have not tried any juvenile nor awarded death sentence to any juvenile.

Paragraph 12

40. The Constitution of Pakistan provides for specific prohibitions against torture and ensures elimination of all forms of exploitation (Art.3). It provides for a legal framework in which individuals have the right to protection of the law. (Art.4) which states that no action detrimental to life, liberty, body, reputation or property of any person shall be taken except in accordance with law. Article 14 (1) provides that the dignity of man subject to law, and the privacy of home, shall be inviolable, while Article 14(2) states that no person shall be subjected to torture, for the purpose of extracting evidence.

41. The Pakistan Penal Code (PPC) prohibits a public servant from knowingly disobeying the law and acting in a way that would injure another person. The Penal Code also prohibits wrongfully confining someone or injuring someone in order to extort a confession anyone found "using torture to extort a confession can be imprisoned for up to ten years". CRPC requires police to conduct house searches in the presence of two or more witnesses. The Police Order of 2002 imposes penalties, including fines or imprisonment for up to five years, on police officers who torture or abuse a person in their custody. The Police Order 2002 provides safeguard to the prisoners and detainees in the police custody. It ensures that any police officer, regardless of any rank, is liable for punishment if he inflicts torture.

42. Section 21-H of the Anti-Terrorism Act, 1997 is compatible with the article 7 of the Covenant, which states that "Conditional admissibility of confession. — Notwithstanding anything contained in the Qanoon-e-Shahadat, 1984, President's Order No. 10 of 1984) or any other law for the time being in force, where in any court proceedings held under this Act the evidence (which includes circumstantial and other evidence) produced raises the presumption that there is a reasonable probability that the accused has committed the offence, any confession made by the accused during investigation without being compelled, before a police officer not below the rank of a Superintendent of Police, may be admissible in evidence against him, if the Court Section Officer deems fit: Provided that the Superintendent of Police before recording any such confession, had explained to the person making it that he is not bound to make a confession and that if he does so it may be used as evidence against him and that no Superintendent of Police has recorded such confession unless, upon questioning the person making it, the Superintendent of Police had reason to believe that it was made voluntarily; and that when he recorded the confession, he made a memorandum at the foot of such record (...)".

43. The allegations of prevalence of culture of impunity are misleading. The government has neither succumbed to any type of pressure nor tried to protect state functionaries. There are many cases whereby judiciary has awarded punishment to those state officials who violated their service disciplines. Moreover, the relevant departmental disciplinary committees have taken actions if any government official is found guilty of any unlawful action. "The Torture, Custodial Death and Custodial Rape (Prevention and Punishment) Bill,2014", passed by the Senate on 2nd March, 2015 was sent to National Assembly for further process on 3rd March 2015, which is now to be presented in the joint Session of the Parliament.

44. To provide an expeditious and inexpensive remedy in matters relating to infringements of Fundamental Rights enshrined in Chapter II of the Constitution, a Human Rights Cell has been established in the Supreme Court. The Cell functions under the direct supervision of the Chief Justice of Pakistan. It is mandated to expeditiously process the complaints and grievances received from the general public. Reports and comments are called from the concerned quarters under the orders of the Chief Justice of Pakistan and the matters disposed of. The cases requiring hearing are fixed in Court and are decided there. Relief is provided to the poor persons without going through the traditional protracted litigation process.

45. In addition to this, there is a National Commission on Human Rights. The provincial Government of Sindh has established Sindh Human Rights Commission. All provinces have separate Human Rights Departments which are mandated to deal with the human

rights related complaints. There are Human Rights Committees at District levels which can take up complaints and monitor human rights situation in various districts.

Paragraph 13

46. Article 10 of the Constitution provides safeguards regarding arrest and detention. It guards against unlawful detention and codifies the right to be informed of the grounds for arrest. Article 10-A explicitly entitles individuals to a fair trial and due process in the course of civil matters and criminal proceedings. Section 61 of CRPC states that once a person concerned or suspected to have committed a cognizable offence is arrested by a police officer it is expected of him that he would complete the investigation without any loss of time and at least complete the investigation within 24 hours of his arrest. Section 167 of CrPc authorizes the detention of any person by the police beyond 48 hours up to maximum of 15 days subject to the orders of a Magistrate in cases where police is unable to complete the investigation within 24 hours of the arrest. It may also be underlined that the production of an accused person under custody of a police officer along with entries made by them in the diaries, before a Magistrate is mandatory requirements of law.

47. The Constitutional remedy of habeas corpus available through Article 199 of the Constitution requires a detainee to be produced immediately before the Court to determine the legality of his confinement, and, where appropriate, to order his release. This requirement, implemented strictly, significantly reduces the chances for undocumented detention and acts amounting to torture. With regard to PPA, it is no longer in force. Article 10 (4) and (5) of the Constitution are compatible with Article 9 of the covenant. Also, incommunicado detention is prohibited by law.

Paragraph 14

48. To reduce overcrowding in prisons, Government has undertaken the construction of new jails, and expansion in the designed capacity of the existing ones through the special fund set up by Ministry of Human Rights. The provincial governments are constantly striving to improve and align the system of prisons and the living conditions of the inmates in line with the international best practices. The executive oversight of the prisons and prisoners is built into the institutional and management structure. The Home Secretary exercises executive oversight over the Inspector General (IG) Prisons who reports to him and is accountable as head of the attached Directorate/ Department. The IG Prisons directly manages and supervises all the prisons. The Superintendent of each prison is accountable to the IG Prisons. Under the Rules, the Superintendent Jail is responsible for providing the necessities to inmates, including food and clothing, and must ensure that their treatment is in accordance with the law. Any complaints regarding assault or ill treatment may be immediately communicated to the Superintendent or Deputy Superintendent Jail. The Deputy Superintendent is responsible for taking all necessary measures to ensure the safe custody of prisoners along with maintaining discipline and sanitary conditions of residence.

49. Under the prison rules, there are "Jail Committees" operating in every Jail/prison comprising lawyers and Civil Society and headed by the District Judge that conduct regular periodic visits to the jail to inquire about the state of inmates, ensure provision of quality and adequate food and basic necessities. The inmates can freely share their views and problems with the committee which recommends measures to the Jail Authorities for the redressal of grievances of the inmates. In addition, the Prison Rules require the officials and functionaries of prisons to treat the prisoners in a humane manner. The Rules make it mandatory for the functionaries to refrain from any act or gesture that might irritate or annoy any prisoner, and prevent the prison staff from using any form of force on them. For instance, in response to a complaint received by the Human Rights Cell of the Supreme Court, regarding gross violation of Prison Rules at Lahore District Jail, the Chief Justice of Pakistan (CJP) issued directives to the Jail authorities through the Attorney General (AG) Punjab, as well as the IG Prisons to ensure that the plight of prisoners is redressed by taking necessary steps by ensuring strict implementation of the Prison Rules.

50. Rules 776 to 809 of Pakistan Prison Rules, 1978 mandate the prisons departments to facilitate and provide medical cover to all inmates. The rules seek each prison to establish a hospital to treat sick prisoners. In case of illness, the prisoners should be admitted in hospital for proper treatment. The Rules also provide for proper medical care and special diet to the patients during their illness.

51. Medical officers are required to certify the fitness of a prisoner sanctioned, within the scope of the law, with disciplinary actions. Without the approval of the medical officer, no punishments may be discharged. Special arrangements are made for the on-call lady doctors for women inmates. Similarly, psychological counselling is also provided for all male, female and juvenile inmates by women and men psychologists. In some Prisons, there are small hospital wards built with boarding facility, as well as psychiatric wards, and small scale laboratories etc. Central Prison Peshawar is a case in point.

Paragraph 15

52. Important administrative and legislative steps have been taken to address the issues related to bonded labour in Pakistan. Bonded Labour System (Abolition) Act, 1992 abolishes bonded labour and targets customary arrangements that lead to bonded labour. It also ends any debts that existed which led to individuals being forced into labour to pay off the debt. Punjab Bonded Labour System (Abolition) Act 2012was promulgated to end the menace of bonded labour. Specifically relating child employed in brick kilns Punjab Prohibition of Child Labour at Brick Kilns Ordinance, was promulgated in 2016. KPK Bonded Labour System (Abolition) Act was passed in 2015. Balochistan and Sindh are drafting legislation on the same lines. Punjab has initiated US $ 50 million project to address the problem in the brick kilns and agricultural sector. Accordingly Punjab government has also started a project for rehabilitation of labourers through provision of basic education and skill development. New policies are formulated for covering informal sector such as Punjab's Policy for Home Based Workers that are likely to contribute to counter bonded labour practices. Balochistan is implementing a similar project worth US$ 0.4 million and is in the process of mobilising more resources.

53. Moreover, Article 11 of Constitution of Islamic Republic of Pakistan, 1973 and Section 374 of Pakistan Penal Code, 1860 prohibits compulsory labour and any law which facilitates its introduction in Pakistan. To manage reliable statistics on forced labour, Ministry of Overseas Pakistani and Human Resource Development has requested Pakistan Bureau of Statistics (PBS) for inclusion of specific questions related to bonded labour in Labour Force Survey (LFS).

54. Employment of Children's Act (1991) at Federal level prohibits all forms of child labour. Provinces are working to adopt similar laws. Prevention and Control of Human Trafficking Ordinance, 2002 declares human trafficking for the purpose of turning it into forced labour as a punishable offence. Punjab has provided training to the field formations posted in all the 36 districts for their capacity building through the Industrial Relations Institute (IRI) located in Lahore. Moreover, a comprehensive action plan is formulated to deal with the cases of worst form of child labour. For instance, all the immoral and unlawful practices have been addressed under the newly promulgated ordinance, the Punjab Restriction on Employment of Children Ordinance, 2016. Similarly, Punjab's Restriction on Employment of Children in Brick Kilns Ordinance 2016 declares child labour as a heinous crime. Sindh has included labour survey in its Annual Development Programme 2016-17 and will be completed by 2017. KPK will conduct a child labour survey through a 100 million rupees project partly funded by UNICEF (i.e,40 million).List of hazardous work is available in Employment of Children Act, 1991 which is adopted by Punjab, Sindh and Balochistan. Khyber Pakhtunkhawa Prohibition of Employment Children Act, 2015 lays down a list of hazardous work and prohibits adolescent labour from the age of 15 to 18. It specifies age bracket of 12 years for light work and declares 50,000 fine and six months imprisonment for the offender. If a child is employed in hazardous work, the employer is to pay 100,000 fine and 3 years imprisonment. Besides, district vigilance committees have been set up to oversee compliance of child labour related laws.

Paragraph 16

55. After a thorough scrutiny process, the names of individuals are placed on Exit Control List and number of individuals on ECL continues to evolve. Due to security reasons, there are certain areas in the country which require permission for foreigners if they wish to visit so that proper security arrangements can be made for their safe travel and necessary security may be provided to them.

Paragraph 17

56. In accordance with Article 247(3) application of Federal Laws in FATA is subject to the approval of the President. However, a FATA reform Committee has been constituted which has formulated its recommendations to extend jurisdiction of courts and laws to FATA by merging it with KPK.

57. The Supreme Court has the power of judicial review and can declare any enacted law to be ultra vires the Constitution. Article 2 of the Constitution declares Islam to be the State religion; therefore, no law can be enacted by the Parliament which is repugnant to Islamic injunctions. Supreme Court being the apex court of the country has the power of judicial review of any decision taken by any court in the country and to declare any law which contravenes the provisions to the Constitution to be unconstitutional. However, both courts (Supreme Court and the Federal Shariat Court) are of not equal status rather the appeal lies against the final decision of the Federal Shariat Court before the Supreme Court of Pakistan under Article 203F of the Constitution of Pakistan, 1973.

Paragraph 18

58. A number of judicial reforms were introduced through National Judicial Policy (NJP) of 2009. The NJP suggests more than 300 concrete actions promising qualitative and quantitative improvements in justice service delivery that require continuous monitoring and evaluation for effective and sustainable implementation. During the last five years, the NJPMC met more than 19 times and discussed various issues related to administration of justice and took important decision for improving the quality of justice service delivery.

59. Selection of judges in the lower judiciary is conducted by and under the supervision of the respective high courts of the province. The appointment mechanism of the judicial officers is quite transparent. After appointment the judicial officers undergo different trainings from judicial academies prior to their postings. Each High Court of the province has a department which oversees the performance of the lower judiciary and receives complaints of corruption. This provides an adequate deterrent mechanism on the judicial officers (see Annex I).

60. While reasonable financial resources are allocated for the judiciary every financial year, efforts are underway to increase budgetary allocations for the judiciary. The process of filling all posts which had been vacant is also ongoing as well as backlog of cases is being gradually cleared.

61. The Government of Pakistan has established a statutory endowment "Access to Justice Development Fund" to overcome budgetary constraints faced by the judicial and legal sectors and the Law and Justice Commission of Pakistan (LJCP) has mandated to manage the same. The Commission has formed the District Legal Empowerment Committees (DLECs) and such Committees (DLECs) from July 2013 to June 2016 has been released an amount of RS.21.2 million in 106 districts across the country and out of which Rs.5.140 million have been utilized for provision of free legal aid to the needy and poor litigants. Total of 591 cases have been finalized through Committees (DLECs) across the country including 40 cases of women. The Government also allocates sufficient funds to each Bar Council to provide free legal aid to deserving litigants. Under the NAP for Human Rights, rs.100 million has been allocated to provide free legal aid to vulnerable and poor segments of society.

62. A Law Reforms Committee has been constituted under the directive of the Prime Minister of Pakistan which is chaired by the Minister for Law and Justice, which convenes regular meetings with different stake holders in order to reform and review the existing laws and also to bring other laws in strict conformity with the provisions of the Constitution. The need to provide protection to victims, witnesses and legal professionals including judges and lawyers is also under consideration by the Committee. The Law and Justice Commission of Pakistan in its Report No. 60 recommended that Legal education should be improved by imparting standard education and revising examination system. the Supreme Court in its judgment in case titled Pakistan Bar Council versus Federal Government and others (PLD 2007 SC 394) had issued direction which are to be followed for improving the standards of Legal education and monitoring the affairs of Law Colleges. Human Rights Education has been introduced in the curricula of all judicial academies.

Paragraph 19

63. Pakistan is a multi-religious, multi-cultural, pluralistic society where people of different ethnic and religious backgrounds are living together. In its efforts to ensure respect of religions and maintain harmony in the society, the Government is taking serious actions against hate speech which leads to instances of allegations of blasphemy and religious discrimination. For instance, Punjab Sound System (Regulation Act, 2015) is a recent initiative which is being successfully implemented to eliminate the use of loud speakers for incitement. Punjab Vigilance Committee Act, 2016 provides the establishment of vigilance committees at the district and provincial level which are mandated to report any unlawful activity being carried out, or being planned, with respect to incitement. In Khyber Pakhtunkhwa, Commissioners and Police formations have been directed to exhibit zero tolerance to hate speeches and material. 126 FIRs have been lodged and 147 persons have been arrested since 15th December, 2014. Strict action has been taken in different districts of Balochistan and Sindh.

64. Ministry of Religious Affairs and Interfaith Harmony has made consistent efforts to encourage tolerance and mutual respect through seminars, conferences and consultative meeting of different communities. To combat terrorist threats, the Government has enhanced security around places of worship of all communities. For instance, security deployment at religious institutions is being systematically planned and implemented by the Punjab Police. Punjab Security of Vulnerable Establishments Act, 2015, provides security advisory committees at district level to identify vulnerable establishments in the province. Places of worship and other religious sites are covered in this act. Similar efforts are underway in Sindh through Committees at Provincial and District Level. In addition, the Judgment of Supreme Court of 19 June 2014 is also being implemented.

65. The Government of Pakistan has devised a National Action Plan to Combat Terrorism which includes the issue of madrassas reform and registration. So far, 250 unregistered Madrassas have been closed in different parts of the country. The Government has also completed geotagging of 3,662 Madrassas. The government had completed 100% mapping on agreed parameters in Islamabad and Punjab. 80% of the mapping exercise has been completed in Sindh, followed by 75% in KPK and 60% in Balochistan.

66. After detailed consultative process, all madrassa boards have agreed to include modern/contemporary subjects in curriculum in addition to religious education. The Government is taking every possible step to mainstream the madrassas through reform programs. However, more efforts are needed for effective monitoring of madrassahs, which are large in number and present in every nook and corner of the country, including rural and far flung areas. A large number are firmly embedded in the fabric of society and culture as they respond to an important community need and enjoy community ownership and participation; madrassahs enjoy respect and confidence of the parents and elders. Besides, curriculum reforms have been introduced for school textbooks.

67. Regarding Ahmadiyas, after the 2nd Amendment (article 260 (3), of 1974) in the Constitution of Pakistan, 1973, the Ahmadiya community has been declared as a minority.

The Ahmadiyas have under Article 20 of the Constitution all rights as citizens of Pakistan, including to profess their religious beliefs without discrimination.

Paragraph 20

68. Blasphemy Law was introduced during the British rule in South Asia. Such laws also exist in many countries. More than 20 European countries currently have Blasphemy Laws on their statutes. The Government of Pakistan is mindful of its responsibility to prevent the misuse or abuse of the Blasphemy Law, especially by those who wish to exploit it for personal gain or interest. The Government takes any complaint of misuse of Blasphemy Law with the utmost seriousness, and continues to take legal, administrative as well as policy measures to prevent the misuse of the Blasphemy Law.

69. Blasphemy Laws aim at ensuring public order and harmony in society, by seeking to prevent inter religious discord and incitement to violence, inter alia through hate speech. Blasphemy law in Pakistan is not discriminatory as it is based on respect for all religions. It deals with offences against all religions and applies to Muslims and non-Muslims alike.

70. In 2002, the Lahore High Court had prescribed that only a District or a Session Judge should sit at the bench hearing cases regarding blasphemy. Section 196 of the Code of Criminal Procedure ("CrPC"), 1898, provides that no court shall take cognizance of any offence punishable under 295-A (deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs) of the Pakistan Penal Code unless a complaint is made by, or under authority from, the Federal Government or the concerned Provincial Government. If prior permission is not obtained, a judge cannot take cognizance of a private complaint.

71. Section 295 PPC covers all religious denominations which suggest Blasphemy Law is non-discriminatory. Section 211 of PPC states that a person intentionally initiates a false criminal case or puts false charges on any other person for an offence without any lawful ground, shall be punished with imprisonment of 2 years, or fine or both. He may also be imprisoned for 7 years and fine, if punishment for such falsely charged crime is death, imprisonment for life, or for 7 years or more. This is significant deterrent against the initiation of false cases.

72. An independent judiciary, free media and vibrant civil society also provide effective safeguards against misuse of the Blasphemy Law. Courts have also ensured free and impartial trials, thus effectively protecting citizen rights enshrined in the Constitution. There is also an effective process of appeal in case of conviction under the blasphemy law. If any accused is convicted and awarded capital punishment by Court of Sessions, the same is required to be confirmed by two judges of the High Court otherwise it cannot be implemented. After the decision of the High Court, the convict has the remedy to appeal to the Supreme Court of Pakistan. If the apex Court upholds the verdict of the High Court, a mercy petition can be submitted to the President of Pakistan who under Article 45 of the Constitution can grant pardon, reprieve and remit the sentence. 92. Section 295 of the Pakistan Penal Code (Blasphemy Law) is non-discriminatory in nature. It deals with offences against all religions and applies to Muslims and non-Muslims alike. In fact, the majority of cases registered under this Section have been against Muslims. From 2007 to 2010, 253 persons had been convicted under the Blasphemy Law, out of which 244 were Muslim and only 9 non-Muslim. In case of Punjab, which is the largest province consisting of more than half the population of Pakistan, during 2011 to 2015, 1296 cases were registered. Of these, only 48 cases were registered against non-Muslims by Muslims while 1201 cases were registered against Muslims, and the rest were registered against unknown persons. Hence, less than 4 percent cases were registered against non-Muslims. In case of Balochistan, no case was registered on accusation of blasphemy. In case of Sindh, the second largest province of Pakistan, only 11 cases were registered. In case of Khyber Pakhtunkhwa only 19 cases were registered and most of them were against Muslims.

73. In August 2016, The NCHR presented a comprehensive report to the Standing Committee on Human Rights of the Senate regarding introducing further possible checks to prevent misuse of Blasphemy Law and recommended procedural amendments to the

Parliament in Blasphemy Law to prevent its misuse and misapplication. These recommendations are also being considered by the Parliament.

Paragraph 21

74. The Government is committed to protect right to privacy of citizens. The relevant section 32 of Prevention of Electronic Crime Act (PECA) requires services providers to retain traffic data for a period of one year or such period as specified by PTA from time to time. This is in accordance with the already accepted licensing terms of such service providers which are regulated by PTA and relevant international standards. It may be mention that retention of tariff data is subject to the obligation of ensuring confidentiality of information as per section 41 of PECA.

Paragraph 22

75. The definitions of Prevention of Electronic Crime Act, 2016 (PECA) are in line with other applicable substantive and procedural laws of the country and Constitution. Under PECA, powers given to the PTA are in line with emerging legal framework on the subject such as Article 19 of the Constitution which protects freedom of speech. These powers obligate PTA to develop proper legal framework for performing its functions strictly in accordance with the Constitution and the Pakistan Telecommunication (Re-organization) Act, 1996.

76. As per the legislative norms, the principles have been laid down under PECA and the rules would now be prescribed by the Federal Government in consultation with the relevant stakeholders. In this respect a high level Inter Ministerial Committee (IMC) has been constituted by the Prime Minister for overseeing the implementation of PECA. Though a special law, it is to be administered in line with the substantive penal and criminal procedural laws of the country. The powers of the authorized officers are subject to the provisions of PECA which is in line with the Budapest Convention and other laws of the country. The power to require provision of decrypted data is subject to the issuance of a warrant by the court designated under PECA.

77. The relevant section 32 of PECA requires services providers to retain traffic data for a period of one year or such period as specified by PTA from time to time. Section 41 imposes an absolute obligation not only upon service providers, but also upon an authorized officer to ensure confidentiality of any material or data containing personal information about another person. Breach of this obligation to keep personal information confidential attracts imprisonment for a term which may extend up to three years or with fine up to one million rupees.

78. Section 42 of PECA governs the principles of international cooperation with any foreign government, 24x7 networks, any foreign agency or any international organization or agency for the purposes of investigation or proceedings concerning offences inter-alia relating to information systems, electronic communication or data or for the collection of evidence through one of its agencies designated under PECA. The provision has been incorporated in line with the Budapest Convention and does not require any judicial authorization or oversight for its implementation.

Paragraph 23

79. Pakistan Electronic Media Regulatory Authority (PEMRA) mandated to regulate and promote the establishment and operation of all private broadcast media and distribution services in Pakistan was established for the purpose of international, national, provincial, district, local or special targeted audiences. PEMRA regulates the electronic media under the provisions of the PEMRA Ordinance as amended by PEMRA (Amendment) Act, 2007, PEMRA Rules-2009 and regulations made there under; PEMRA has devised Code of Conduct for programmes and advertisement for broadcast media and distribution services in pursuance of PEMRA Rules 2002 and subsequently PEMRA Rules 2009. The same has

also been incorporated in the terms and conditions of the licence. This Code of Conduct is duly signed by all the licensees of PEMRA. Moreover, in year 2015 Supreme Court of Pakistan approved a Code of Conduct and PEMRA started its implementation on its licensees.

80. PEMRA does not threaten media outlets to cancel their license or imposition of find. As far as the examples quoted regarding cancellation of two TV channels programs in the month of June, 2016 on airing content against Ahmadis, no licence was cancelled on the aforementioned issue. Whereas, in the holy month of Ramazan PEMRA received numbers of complaints against two programs aired on Aaj TV and News One on the sensitive issue. Considering the sensitivity of the matter PEMRA in pursuance of Section 27 of the Ordinance, imposed immediate ban on these programs and subsequently referred the matter the PEMRA Council of Complaints for its consideration and appropriate recommendations. It may be noted that since 2002, not a single license issued for establishing and operating a broadcast satellite TV channel has been revoked or cancelled. In majority of cases fines have been imposed in order to reprimand the licensee. However, in case of violations grave in nature, either specific program is suspended/ banned or channel license is suspended for a specific period. PEMRA takes all action in accordance with the powers conferred upon the Authority under its statues.

81. The terrorists have been attacking journalists, human rights defenders and lawyers. The Government has taken several measures to safeguard them, including, notifying a Ministerial Media Security Committee with the mandate to suggest welfare measures to ensure safety of Journalists and Media Persons; initiation of a new scheme (Life Insurance Policy for Media Persons) for the welfare of the journalists; installation of Hot- Line Number (111-925-225) in Press Information Department for informing about any potential threat to them or security related issues; and proposal for Establishment of Endowment Fund to provide relief to the wounded and disabled journalists who have fallen victims of terrorism in the line of duty.

Paragraph 24

82. There are no conditions on the freedom of assembly except that it has to be within the legal parameters and should be undertaken without violating laws. As referred in Para172 of the report, individuals serving in official capacity cannot become member of political parties.

83. Laws regulating the formation, registration and conduct of associations or NGOs, inter alia, include: The Societies Registration Act, 1860; The Co-operative Societies Act, 1925; The Partnership Act, 1932; Voluntary Social Welfare Agencies Act, 1961; Legal Practitioners and Bar Councils Act, 1973; Companies Ordinance, 1984; The Punjab Industrial Relations Act, 2010; The Industrial Relations Act, 2012 (Federal); and Sindh Industrial Relations Act, 2013. Recently, the Government has formulated NGO regulation Policy with the view to streamline registration of NGOs.

Paragraph 25

84. After the 18th Constitutional Amendment, Provinces have enacted various laws to address the issue of early child marriages. The Punjab government has promulgated the Punjab Marriage Restraint (Amendment) Bill, 2015. According to the Act, if a boy is below 18 and girl is below16, it would be an offence punishable with imprisonment which may extend to 6 months and fine of fifty thousand rupees. The Sindh Child Marriage Restraint Act is being implemented which declares marriage below the age of 18 years punishable by law. In cases of underage marriage, the parents, bride and groom are being sentenced to three years in prison and fine with Rs.45,000.

85. The Khyber Pakhtunkhwa Elimination of Custom of Ghag Act is also being implemented. The customary practice under the name of Ghag whereby a male person forcefully demand or claim the hand of a women without her own or her parents' or wali's consent has been made an offence punishable with imprisonment of either description for a

term which may extend to seven years but shall not be less than three years and shall also be liable to fine up to five hundred thousand rupees or both. A bill on protection of the child marriage has been finalized with consultation of stakeholder by the Government of Balochistan and submitted for approval. The minimum age for marriage in this bill for both (boys and girls) has been proposed 18 year more over awareness raising regarding the disadvantage of child marriage is regular part of the activities of human rights departments of provinces.

86. Government of Gilgit Baltistan drafted the Child Marriage Restraint Act, 2016 which is under discussion before the Standing Committee in which the age for marriage has been proposed as 18 years. AJ&K Child Rights (Care & Protection) Act, 2016 define the minimum age of child is 18 years and generally awareness is created among the masses not to marry a child particularly girls child not below the age of 18 years. Similarly Child Marriages Restraint Act is in progress to prohibit the child marriages. AJ&K Social Welfare Department has established Shelter Homes at District level, where the cases of forced marriages are being handled.

Paragraph 26

87. Pakistan recognizes the registration of children at birth as a fundamental right. With the help of UNICEF and other NGOs, government agencies like the National Database and Registration Authority (NADRA) and local union councils, have initiated programmes for the registration of children at birth through awareness raising and facilitation in providing certificates. The Juvenile Justice System Ordinance (JJSO), Juvenile Justice System (JJS) Rules, the Sindh Children Act (SCA), the KP CPWA, the Punjab Destitute and Neglected Children Act (PDNCA), the SCPAA, NADRA Ordinance 2000 include normative provisions regarding child civil registration.

88. The local governments are also authorized and responsible to maintain birth registration record at Union Council level in collaboration with NADRA. NADRA has developed a grass-root level online program, i.e., Civil Registration Management System (CRMS) for the registration of Birth, Death, Marriage and Divorce. The CRMS is linked with the local governments in the country which are feeding details under the four vital services as well as providing computerized registration and certificates. CRMS currently cover the entire country. A NADRA's Mobile Unit facilitates the gypsies' registration.

89. Every individual born in Pakistan, including refugee/foreigner has right to be registered under NADRA Ordinance 2000 without any discrimination. The Proof of Registration (PoR) card is an important identity document that allows temporary legal stay to registered Afghan refugees in Pakistan. The PoR Cards are issued by National Database and Registration Authority to all Registered Afghan refugees over 5 years of age whereas under 5 are listed on the card of mother or head of the family. PoR cards have been regularly renewed by the Government.

90. After the 18th Constitutional Amendment, the subject of labour has been devolved to provinces. The Government of Punjab has initiated its first Child Labour Survey which will be completed in May 2017. The Government of Punjab has enacted the Punjab Restriction of Employment of Children Act, 2015, under which it has prohibited the employment of children in certain occupations and processes. The Government of Punjab has also enacted the Punjab Prohibition of Child Labour at Brick Kilins Ordinance, 2016 prohibiting the employment of children below 18.

91. The KPK Prohibition of Employment of Children Act, 2015 provides that no adolescent shall be employed or permitted to work in any hazardous place. Government of Sindh and Balochistan are also formulating similar laws. Besides, a Bill is under consideration of the Senate regarding Domestic Workers in which it is proposed that children cannot be engaged as domestic workers.

92. Child protection centers have been established throughout the country in which street children are provided shelter and protection. In Punjab, Child Protection and Welfare Bureau, working under the administrative control of Home Department deals with the

issues of street and beggar children under Punjab Destitute and Neglected Children Act 2004 amended in 2007. Social Welfare Department Sindh is presently managing Fifteen (15) district-based Child Protection Units (CPUs) in different parts of Sindh province. The Social welfare, special education, literacy and non-formal education and human rights department of Government of Balochistan has been striving for establishment and strengthening of protective mechanism for all children in Balochistan including the children in street situations. In this regard, establishment of transit shelter home for children is in the process furthermore, the newly enacted child protection Act 2016 also ensure protective measure for street children.

Paragraph 27

93. Pakistan is the fourth largest refugee hosting country and hosts over 3 million people, at any time during the last 35 years. At the present there are 1.5 million registered Afghan Refugees and estimated one million UN documented Afghan living in Pakistan. The Prime Minister of Pakistan has extended the stay of registered Afghan refugees holding PoR cards in Pakistan from time to time.

94. Despite drastic reduction in international assistance, Pakistan continues to host the refugees in the spirit of traditional hospitality and brotherly relations with Afghan people. Pakistan continues to reiterate its voice for sustainable return and reintegration of these people within their homeland in Afghanistan with dignity and honour.

95. The proposal for adoption of National Refugee Law as envisaged in the Management and Repatriation Strategy for Afghan Refugees in Pakistan is under consideration of the Government. Pakistan considers that it has done more than the signatories of 1951 Refugee Convention and its 1967 Protocol Relating to the Status of Refugees. 33percent of registered Afghan refugee's population is living in Camps wherein they have access to health, education, water/sanitation and other basic services. There has been no harassment of Afghan refugees has been taken place. However if refugees who are found to be involved in any illegal or anti-state activity, action is taken against them in accordance with law.

Paragraph 28

96. There are no barriers in Pakistan on political participation. To make the Electoral Process more inclusive and to encourage all citizens of the state to exercise their right to vote, Election Commission of Pakistan has taken initiatives, including, among others, inclusive Voter Education especially at the grass root level for ensuring the participation of women and persons with disabilities; review of existing guidelines for polling staff for effective recording of gender disaggregated results in Forms XIV, XVI, and XVII; recruitment of more women in ECP staff; and formation of Gender and Disability Electoral Working Group" at Secretariat, Provincial and subsequently at District level to address the challenges and constraints while registering women as voters. Besides, ECP is working on reducing the voter turnout gaps between men and women through 124 District Voter Education Committees at District level encouraging women, Persons with Disabilities and Youth as first time voter to register as voters and to create awareness for communities to cast vote. In this regard, ECP declared a by-election in PK-95 (Lower Dir) election as null and void on the ground that the women voters were barred from voting in the area. Supreme Court of Pakistan instructed for enforcement of its historical decision.

97. In Punjab Representation of Women in Metropolitan/Municipal Corporations, District Councils, Municipal Committee and Union Councils has been provided in sections 13, 14 and 15 read with First Schedule of PLGA, 2013. There are two seats of women in UC, up to five in Municipal Committee, up 15 in District Councils and Municipal Corporations; and 25 in the Metropolitan Corporation. There are one seat for non-Muslim in UC, up to three in Municipal Committee, up to five in District Councils and Municipal Corporations; and 10 in Metropolitan Corporation.

98. The Khyber Pakhtunkhwa Local Government Act, 2013 provides the following representations to the women, peasant workers, youth and minorities at three (3) tiers in the following proportions: i. District council: women (33% total 343), peasant/workers (5% total 62), youth (5% total 62) & Minorities (5% total 62); ii. Tehsil council: women (33% total 349), peasant/workers (5% total 89), youth (5% total 89) & Minorities (5% total 89); and iii. Village/Neighbourhood council: 02 women (fixed at every council, total 7002), 01 peasant/worker (fixed at every council, total 3501), 01 youth (fixed at every council, total 3501) & 01 Minorities (fixed at every council, total 3501).

99. The Government of Sindh local Government and house town planning department has provided opportunity to women, youth and non-Muslims and labour or present of the following manner under the Sindh Local Government Act: Reserved seats to extent of 33% for Women Member 5% for Youth members 5% for Non-Muslims members 5% for Labour or Peasant members.

100. In the National Assembly, 66 and 10 seats have been reserved for women and minorities respectively. Similarly, in the Senate 17 and 4 seats have been reserved for women minorities. In the Punjab Assembly out of 371 members, 8 women have been elected on general seats and 66 have been nominated on reserve seats for women. 8 seats are reserved for persons belonging to minority community. In Sindh, out of 166 seats, 29 are reserved for women 9 for minorities.

101. In the KHYBER PAKHTUNKHWA ASSEMBLY out of 124 members, 22 seats are reserved for women and 3 for minorities. The Provincial Assembly of Balochistan has 51 directly elected members of the Provincial Assembly representing constituencies from each district, as well as 11seats reserved for women and 3 for non-Muslims.

Paragraph 29

102. The Covenant is widely disseminated by Ministry of Human Rights as well as provincial departments of human rights and treaty implementation cells. In the preparation of report, all stakeholders were involved including members of minority community and civil society organizations.

Annex I

Statistical data showing the numbers of complaints during 2015 against judicial officers regarding corruption and their status

	Number of complaints	*Disposal*	*Balance*
Punjab			
Sindh	252	230	22
Khyber Pakhtunkhwa	76	69	7
Balochistan	5	5	0
Islamabad	45	45	0

Statistical data showing the numbers of complaints during 2015 against court staff regarding corruption and their status

	Number of complaints	*Disposal*	*Balance*
Punjab			
Sindh	50	27	23
Khyber Pakhtunkhwa	9	9	0
Balochistan	0	0	0
Islamabad	2	2	0